

37 CFR §1.121(c)(i) and "Marked Version Showing Changes Made to the CLAIMS," as required by 37 CFR §1.121(c)(ii).

REMARKS

In claim 23:

The lined-out article "a" in the second line of the claim AFTER the word "said" and BEFORE the word "first" is DELETED as a typographical error missed in the final review and revision of the application prior to filing.

In claim 32:

The claim is revised to depend from claim 14 as the result of canceling claim 30. Support is found in claim 30, as originally filed, in that claim 30 depends from claim 14.

In line 3 – 6 of the claim as originally filed the text "said co-dopant selected from the list of elements consisting of boron, aluminum, silicon, phosphorous, germanium, fluorine, zinc, zirconium, titanium, sulfur, selenium, and tellurium" is DELETED as superfluous, since this clause recites only a list of materials for producing the known effect of increased solubility of a second (rare earth) material and adjusting a refractive index in the doped glass fiber.

In claim 34:

The claim is revised as an independent claim by incorporating the limitations of intervening claim 1 and 8 into this claim. The amendment is made in order to distinguish claims to a method for making a glass preform for providing a glass fiber having a reduced or eliminated amplified spontaneous emission effect, from claims to other glass preform methods. Support is found in claim 1 and 8 as originally filed.

In claim 38:

The claim is revised to depend from claim 35 as the result of canceling claim 37. Support is found in claim 37, as originally filed, in that claim 37 depends from claim 35.

In line 3 of the claim, AFTER the word "dopant", the phrase "containing one or more elements selected from the list consisting of terbium, titanium, and zirconium. " is DELETED. Support is found in the claim 35, as originally filed.

In claim 49:

The claim is revised to depend from claim 39 as the result of canceling claim 48. Support is found in claim 48, as originally filed, in that claim 48 depends from claim 39.

In line 3 – 6 of the claim as originally filed the text “said co-dopant selected from the list of elements consisting of boron, aluminum, silicon, phosphorous, germanium, fluorine, zinc, zirconium, titanium, sulfur, selenium, and tellurium” is DELETED as superfluous, since this clause recites only a list of materials for producing the known effect of increased solubility of a second (rare earth) material and adjusting a refractive index in the doped glass fiber.

In claim 51:

The claim is revised to depend from claim 39 as the result of canceling claim 50. Support is found in claim 50, as originally filed, in that claim 50 depends from claim 39.

In line 2 of the claim, AFTER the word “comprise”, the phrase “a metal” is DELETED and the phrase -- one or more -- is INSERTED in its place; in line 2 AFTER the word “dopant” the word -- compounds -- is ADDED; and in line 4, AFTER the word “emission” the comma and words “, said metal dopant selected from the list consisting of terbium, titanium, and zirconium” are DELETED. Support is found in the claim 35, as originally filed.

ELECTION OF SPECIES

Regarding those claims referring to “*rare earth dopant*” elements, i.e., claims 1 – 9, 11 – 29, 31 – 33, 39 – 47, and 49, Applicants acknowledge the Examiner’s requirement that the Applicants provide a list of the order of elements (i.e., species), consistent with Markush practice, which are to be searched/examined. Applicants, however, respectfully TREVERSE the necessity for the election of species in these claims in that the disclosed method teaches to fabricate a fiber-optic glass preform having a complex internal structure with a high degree of accuracy and precision and is NOT drawn to any specific combination of elements. Furthermore, Applicants assert that because the choice of any particular combination is driven by a desire for producing a glass fiber having a particular physical, chemical or optical properties, the choice of materials is a matter of *design convenience* within the general knowledge of those having skill in the art of making glass fibers.

As required by the Examiner, Applicants make the following ELECTION of species by providing a LIST of elements for examination on the merits in the ORDER provided.

1.) erbium; 2.) ytterbium; 3.) neodymium; 4.) thulium; 5.) praseodymium; 6.) holmium;
and 7.) samarium *Terbium? page 17*

Support for this list is found in cancelled claims 30 and 48.

CONCLUSION

Applicants note that the requested changes are the result of error on their part and not the result of any deceptive intent. The Applicants further assert that NO NEW MATTER was introduced as the result of any of the foregoing amendments and earnestly solicit the Examiner to enter the requested changes into the application and to pass the application to allowance.

This amendment is

Respectfully submitted by,

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Attachments:

Clean and Marked Versions of the Amended SPECIFICATION
Clean and Marked Version of the Amended CLAIMS
Return Receipt Postcard



CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U. S. Postal Service on **DECEMBER 16, 2002**, as FIRST CLASS MAIL addressed to: Box Non Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 12-16-02

Tiffany Vargas
Person Making Deposit
Tiffany Vargas
Signature

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